## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

DONNA CURLING, et al., :

:

Plaintiffs,

:

v. : CIVIL ACTION NO.

: 1:17-cv-2989-AT

BRAD RAFFENSPERGER, et al.,

:

Defendants.

## **ORDER**

Plaintiffs' Joint Motion for Sanctions [Doc. 1083] is currently before the Court.

Plaintiffs' motion seeks sanctions based on the Defendants' alleged stalling and intransigence in both responding to discovery and in cooperating with their discovery obligations. While the Court well understands the history of discovery obstacles recited in Plaintiffs' motion, it also recognizes that the current paralysis in discovery may be at least in part attributable to the inchoate status of this case pending the Court's full consideration of the parties' briefing on threshold standing issues filed in February 2021. That said, the Court does not view the reliance of the Plaintiffs' Motion on the 2019 GEMS database discovery disputes and obstacles as an appropriate vehicle -- in tandem with the State Defendants' generic lack of responsiveness to discovery requests since the general and runoff elections in 2020-21 -- as providing an adequately detailed, supported basis for the Court's current imposition of sanctions. First, the Court has previously indicated that it would address sanctions issues associated with Plaintiffs' prior GEMS and other motions at the conclusion of the litigation along with its consideration of any fee issues.

(See, e.g., Docs. 623, 771.) Second, the frozen, post-election status of discovery in this case without a more specific presentation of the State Defendants' alleged current bad faith violations of their discovery obligations or its counsel's alleged egregious multiplication of proceedings, does not provide adequate factual or legal grounds by itself for the Court's imposition of discovery sanctions at this time. Purchasing Power, LLC v. Bluestem Brands, Inc., 851 F.3d 1218 (11th Cir. 2017); Amlong & Amlong, P.A. v. Denny's, Inc., 500 F.3d 1230 (11th Cir. 2007).

Plaintiffs' Joint Motion for Sanctions [Doc. 1083] is therefore **DENIED** at this time. <sup>1</sup>

**SO ORDERED** this 3rd day of May, 2021.

Amy Totenberg

**United States District Judge** 

<sup>&</sup>lt;sup>1</sup> This is not to say that the Court would not revisit the issue of sanctions (i.e. attorney's fees) at a later time, as appropriate.